



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Jack Follis, Jr., Planner, Development
Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department

Mr. Benjamin Humphrey, Planner, Development Review,
Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Ms. Lisa Caudill, Secretary, Administrative Branch,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Rebecca T. Dickson, Director,
Budget and Management Department
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Steven E. Simonson, Sr., Civil Engineer,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Lt. John P. Jones, Inspector, Office of Fire & Life Safety,
Fire & EMS Department

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Update Relative to Proposed Upper Swift Creek Plan Amendment.**
- G. Discussion of Draft Northern Area – Northern Courthouse Road Plan Amendment.**
- H. Discussion of Commission Policy on .22 Proffer in the Upper Swift Creek Watershed.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming case schedules for the November 15, 2005; December 15, 2005; and January 17, 2006 scheduled Planning Commission meetings as well as the case schedule for the unconfirmed February 2006 regular meeting.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission suspended their By-Laws to increase the caseload from fifteen (15) cases to eighteen (18) cases for the December 15, 2005 and January 17, 2006 regularly scheduled meetings.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

After further discussion, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the Commission amended their previous motion to increase the caseload for the December 15, 2005 regularly scheduled meeting from eighteen (18) cases to twenty (20) cases.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

There were no Advance Planning and Research Branch project updates.

E. WORK PROGRAM.

Mr. Turner noted, with the adoption of an amendment by the Board of Supervisors on September 22, 2005, to the Introduction to The Plan for Chesterfield, the Affordable Housing Project could be moved from the Work Program.

Mr. Gecker noted he and Mr. Wilson felt a new committee should be established to continue discussions relative to implementation strategies.

Mr. Newcomb updated the Commission as to the status of the Sidewalk Policy Revisions project.

Upon conclusion of discussion, it was the consensus of the Commission to adopt their November 2005, Work Program, as presented.

F. UPDATE RELATIVE TO PROPOSED UPPER SWIFT CREEK PLAN AMENDMENT.

Mr. Bowling updated the Commission as to the status of the proposed Upper Swift Creek Plan Amendment relative to information requested by the Commission at a previous meeting, noting a comprehensive discussion of the Plan Amendment was scheduled for the November 15, 2005, Work Session.

In response to questions from Mr. Bass, Mr. Banks indicated he would meet with Mr. Bass to further discuss his concerns relative to transportation issues.

G. DISCUSSION OF DRAFT NORTHERN AREA – NORTHERN COURTHOUSE ROAD PLAN AMENDMENT.

Mr. Haasch presented an overview of the draft Northern Courthouse Road Plan Amendment, highlighting elements relative to geography, plan process, study area housing, study area zoning activity for 1995-2004, development activity, summary of recommendations and various maps delineating boundaries, land use and zoning and road plans.

Upon conclusion of the discussion, Mr. Turner noted staff would meet individually with the Commissioners whose districts were most affected by the proposed Plan to discuss their concerns/suggestions and develop a chronology of concerns to bring back to the Commission for discussion at a future work session.

The Commission requested staff schedule discussion of the proposed Plan Amendment at their December 15, 2005, Work Session.

H. DISCUSSION OF COMMISSION POLICY ON .22 PROFFER IN THE UPPER SWIFT CREEK WATERSHED.

Mr. McElfish summarized the Commission's current policy relative to the .22 proffer addressing water quality issues in the Upper Swift Creek Watershed, noting concerns had been raised at the September Planning Commission meeting as to the pertinence of the standard language outlined in one of the two proffers in the Policy.

There was discussion relative to the number of approved zoning cases that would be in compliance when the County received its permit; suggestions for proffers that could be accepted for zoning cases that did not drain through regional facilities; and water quality issues that overlapped the Upper Swift Creek Plan.

Upon conclusion of the discussion, the Commission requested staff schedule follow-up discussions at the November 15, 2005, Work Session.

I ADJOURNMENT.

There being no further business to come before the Commission, the Work Session adjourned at approximately 2:36 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the September 20, 2005, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to approve the September 20, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **WITHDRAWAL REQUEST.**

05PW0392:* In Matoaca Magisterial District, **FREDERICK AND MARIANNE YAKELEWICZ** withdrew a request for development standards waivers to paving and curb and gutter. Specifically, the applicants request to use a gravel surface for the access driveway and off-street parking area serving their mobile repair business. This project is commonly known as **ROAD SERVICE EXPRESS**. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 500 feet on the north line of Lakeview Road, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

No one came forward to represent the request.

Staff indicated the applicant had submitted written documentation requesting withdrawal of the request.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission acknowledged withdrawal of Case 05PW0392, Frederick and Marianne Yakelewicz (Road Service Express).

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **DEFERRAL REQUESTS BY APPLICANTS.**

05PS0421:* In Midlothian Magisterial District, **BURGESS & CO.** requested deferral to December 15, 2005, of consideration for schematic plan approval for two (2) freestanding signs, as required by zoning Case 85S133. This development is commonly known as **RIVERTON - BURGESS OFFICES**. This request lies in a Corporate Office (O-2) District on 1.084 acres fronting approximately 100 feet on the north line of Midlothian Turnpike, approximately 525 feet east of its intersection with Salisbury Drive. Tax IDs 730-707-3785 and 730-708-3904 (Sheet 6).

No one came forward to represent the request.

Staff indicated the applicant had submitted written documentation requesting deferral of the request to the December 15, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05PS0421, Burgess & Co. (Riverton - Burgess Offices), to the December 15, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05TS0196:* In Midlothian Magisterial District, **DARREL NEILSON** requested deferral to December 15, 2005, of consideration for approval of a tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on a 20.12 acre parcel fronting approximately 300 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax ID 735-721-2025 (Sheet 2).

Mr. Andy Scherzer; the applicant's representative, requested deferral to the November 15, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

There was discussion that a thirty (30) day deferral was not a sufficient time frame to resolve outstanding issues relative to sight distance and connectivity to the adjacent Tarrington development.

Mr. Scherzer amended his request for deferral from the November 15, 2005 to the December 15, 2005, Planning Commission meeting, noting he would contact Tarrington representatives to discuss concerns.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05TS0196, Darrell Neilson (The Battery at Old Gun), to the December 15, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0162: In Midlothian Magisterial District, **SAUER PROPERTIES, INC.** requested Planning Commission approval of an amended site plan relating to site access and internal circulation. This project is commonly known as **STEINMART FESTIVAL CENTER**. This request lies in a Community Business (C-3) District on a 16.667 acre parcel fronting approximately 880 feet on the north line of Midlothian Turnpike across from Moorefield Park Drive. Tax ID 751-708-4745 (Sheet 6).

Mr. Rick Gorrell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that approval of an amended site plan (89PR0100) relating to site access and internal circulation for Case 06PR0162, Sauer Properties, Inc. (Steinmart Festival Center), shall be and it thereby was granted.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to meet at O'Charley's, 12401 Tennessee Plaza, Midlothian, Virginia, for dinner at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the Commission adjourned the Afternoon Session at approximately 3:12 p. m., agreeing to meet at O'Charley's at 5:00 p. m. for dinner.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the November 15, 2005, agenda was comprised of nine (9) cases; the December 15, 2005, agenda was comprised of eighteen (18) cases; the January 17, 2006, agenda was comprised of twelve (12) cases; and the unconfirmed regularly scheduled February 2006 agenda had a total of three (3) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR WITHDRAWALS.**

05SN0210:* In Clover Hill Magisterial District, **WAL-MART SUPERCENTER #2808** withdrew amendment to Conditional Use Planned Development (Case 98SN0176) and amendment of zoning district map to permit a check cashing business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Community Business (C-3) District on 20.4 acres fronting approximately 750 feet on the north line of Hull Street Road, also fronting approximately 1,050 feet on the west line of Warbro Road and located in the northwest quadrant of the intersection of these roads. Tax ID 738-681-1384 (Sheets 10 and 16).

No one was present to represent the request.

Staff noted the applicant had submitted written documentation withdrawing the request.

There was no opposition to the withdrawal.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 05SN0210.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0211:* In Bermuda Magisterial District, **WAL-MART SUPERCENTER #1524** withdrew Conditional Use and amendment of zoning district map to permit a check cashing business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a General Business (C-5) District on 20.4 acres fronting approximately 450 feet on the south line of Iron Bridge Road approximately 200 feet west of South Chalkley Road, also fronting approximately 850 feet on the west line of South Chalkley Road approximately 200 feet south of Iron Bridge Road. Tax IDs 778-652-2898 and 7889 (Sheet 26).

No one was present to represent the request.

Staff noted the applicant had submitted written documentation withdrawing the request.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 05SN0211.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0212:* In Midlothian Magisterial District, **WAL-MART SUPERCENTER #1969** withdrew amendment to Conditional Use Planned Development (Case 03SN0246) and amendment of zoning district map to permit a check cashing business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use and planned transition area use. This request lies in a Community Business (C-3) District on 25.2 acres fronting approximately 1,100 feet on the north line of Midlothian Turnpike, also fronting approximately 1,100 feet on the west line of Walmart Way and located in the northwest quadrant of the intersection of these roads. Tax ID 735-708-1350 (Sheet 6).

No one was present to represent the request.

Staff noted the applicant had submitted written documentation withdrawing the request.

There was no opposition to the withdrawal.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 05SN0212.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

04SN0274:* In Midlothian Magisterial District, **TC MIDATLANTIC DEVELOPMENT INC.** requested deferral to the regularly scheduled February 2006 Planning Commission meeting for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 37.1 acres fronting approximately 1,000 feet on the north line of Midlothian Turnpike across from Watkins Center Parkway. Tax IDs 714-712-9323; 715-711-0444 and 4043; 715-712-3508; 716-713-Part of 5414; and 717-708-Part of 4353 (Sheet 5).

Mr. Burke Lewis, the applicant's representative, requested deferral to the regularly scheduled February 2006 Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0274 to the regularly scheduled February 2006 Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0235:* In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to January 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944 (Sheet 4).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the January 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0235 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0328:* In Matoaca Magisterial District, **BERNARD SAVAGE** requested deferral to January 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-9) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 5.5 acres fronting approximately 300 feet on the north line of Genito Road, also fronting approximately 600 feet on the east line of North Woolridge Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 719-685-2188 and 3788; 719-686-1637, 2337, 2706, 3038, 3423 and 4238; 719-687-Part of 2245; and 720-686-Part of 3234 (Sheet 9).

Mr. Mickey Blalock, the applicant's representative, requested deferral to the January 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0328 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0334:* In Midlothian Magisterial District, **ROBIOUS INVESTMENTS LLC** requested deferral to November 15, 2005, for consideration of amendment to Conditional Use Planned Development (Case 02SN0131) and amendment of zoning district map relative to garage door orientation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling per acre or less. This request

lies in a Residential (R-25) District on 381 acres lying approximately 1,950 feet off the north line of Robious Road approximately 820 feet west of Ellesmere Drive. Tax ID 734-724-5830 (Sheet 2).

Mr. William Shewmake, the applicant's representative, requested deferral to the November 15, 2005, Planning Commission public hearing.

Ms. Nancy Frantel, a County resident, supported the deferral, displayed exhibits depicting representations of abandoned, underground mines in sections of the subject property and cited potential health, safety and welfare hazards to the public and environment that would be generated by the construction of homes on land believed to be unstable because of the more than 200 mines located on the Tarrington property.

Mr. Mike Harton, a resident of Whitechapel Road, supported the deferral; questioned the potential for, and displayed exhibits depicting, the collapse, of front loaded garages and floors of homes constructed on unstable property; and asked that serious consideration be given to the potential dangers to the health, safety and welfare of the public if homes were constructed on unstable land laden with underground mines.

Mr. Gulley left the meeting at approximately 7:25 p. m.

Mr. Bob Steinburg, President of Old Gun Road Civic Association, expressed concern relative to the serious and volatile nature of the proposed development and the potential adverse impact and health, safety and welfare hazards the project presented to the citizens of the County.

Mr. Shewmake addressed the previously stated concerns noting that his client had hired the services of a contractor to survey the property for the purposes of extensive testing and mapping to ascertain the layout of the mines

Mr. Gecker stated there were a number of legitimate concerns/issues raised by area residents and he understood their concerns; however, the issue before the Commission was only the applicant's request for deferral which he felt was appropriate.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0334 to the November 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSENT: Mr. Gulley.

Mr. Gulley returned to the meeting at approximately 7:38 p. m.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.**

05SN0193: In Matoaca Magisterial District, **SBF LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-40) to Residential (R-25) plus relief from street access requirements. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 61.4 acres fronting approximately 1,950 feet on the west line of Woolridge Road, also

fronting approximately 730 feet on the south line of Crown Point Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 717-681-5038 and 6767; 717-682-6832; 718-681-3676; and 718-682-3148 (Sheets 9 and 15).

Mr. Andy Scherzer, the applicant's representative, supported deferral of Case 05SN0193 by Mr. Bass to the December 15, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 05SN0193 to the December 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0224:* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, supported deferral of Case 04SN0224 by Mr. Bass to the December 15, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 04SN0224 to the December 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0295: In Dale Magisterial District, **FINER HOMES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 62.8 acres fronting approximately 1,350 feet on the south line of Kingsland Road, also fronting approximately 1,450 feet on the west line of Salem Church Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 776-671-9866; 777-671-1902 and 6199; 778-671-2430; and 778-672-0924 (Sheets 17 and 18).

In response to a question from Mr. Litton, one (1) individual indicated opposition to the request.

Since there was opposition present, it was the consensus of the Commission to place Case 05SN0295 with those cases requiring discussion.

06SN0123: In Bermuda Magisterial District, **TARGET CORPORATION** requested Conditional Use Planned Development and amendment of zoning district map to permit an exception to the number of required parking spaces. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies in a Community Business (C-3) District on 9.1 acres and is known as 2530 Weir Road. Tax IDs 799-653-3811 and 6712 (Sheet 26).

Mr. Burke Lewis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0123 and acceptance of the following proffered condition:

PROFFERED CONDITION

The Textual Statement, dated July 26, 2005, shall be considered the Master Plan.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0184:* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 19.1 acres fronting approximately 650 feet on the east line of Baldwin Creek Road approximately 550 feet north of Beach Road. Tax IDs 707-661-9519 and 9848 (Sheet 23).

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0184, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. The Textual Statement, last revised March 1, 2005, shall be considered the master plan.
(P)

2. In conjunction with the initial tentative subdivision plan review, an overall plat shall be submitted for the residential portion of this request depicting the acreages for that property which does and does not drain to the Swift Creek Reservoir for the purpose of confirming overall project densities. (P)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax IDs 707-661-9519-00000 and 707-661-9848-00000 (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-12 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1.
 - (a) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
 - (b) Drainage. In order to insure that the drainage on the property is adequately handles, the Applicants proffer to: (i) replace all culvert pipes under Beach Road to ensure adequate size to handle the ultimate upstream drainage area, or (ii) retain water onsite so that the existing pipes remain adequate, or (iii) a combination of (i) and (ii) above.
 - (c) For land that drains to Swift Creek Reservoir, temporary sediment basins shall remain in place and/or new BMPs constructed to achieve the .22 phosphorus standard until the downstream regional BMP into which the development will drain has been constructed. (EE)
2. Utilities.
 - (a) Public water shall be used.
 - (b) Public Wastewater gravity sewer shall be used.
 - (c) Prior to the issuance of the first building permit for each tentative subdivision plat, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre for that particular plat as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. The total contribution shall be based on the total acreage served by the public wastewater system. (U)

3. Cash Proffer. The applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2006; or the amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - b. Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,269 per dwelling unit if paid prior to July 1, 2006, or the amount approved by the Board of Supervisors, not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
4. (a) Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (B&M)

(b) Senior Housing. Any dwelling units designated for senior housing as outlined in Proffered Condition 4(a) shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
5. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the east side of Baldwin Creek Road (State Route No. 730), measured from the centerline of that part of Baldwin Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. Direct access to Baldwin Creek Road shall be limited to one (1) public road. The exact location of this shall be approved by the Transportation Department. (T)
7. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

- a) Construction of additional pavement along Baldwin Creek Road at the approved access to provided left and right turn lanes, if warranted, based on Transportation Department standards.
 - (b) Widening/improving the east side of Baldwin Creek Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage.
 - (c) Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right of way necessary for the road improvements as described, the developer may request in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right of way and shall be required only to provided the road improvements that can be accommodated within available rights-of-way as determined by the Transportation Department.
- 8 Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. (T)
9. Density.
- (a) The total number of residential dwelling units on that portion of the property requested to be rezoned R-12 which drains to the Swift Creek Reservoir shall not exceed 2 units per acre. (Note: The Applicant has determined that 0 acres of said request parcels do drain to the reservoir.)
 - (b) The total number of residential dwelling units on that portion of the property requested to be rezoned R-12 which does not drain to Swift Creek Reservoir shall not exceed 2.2 single family residential units per acre.. (Note: The Applicant has determined that 19.1 acres of said request parcels do not drain to the reservoir.) (P)
10. Phasing. No residential building permits shall be issued until January 1, 2007. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0234.* In Matoaca Magisterial District, **THOMLYN, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for

residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

In response to a question from Mr. Litton, there were several individuals in opposition to the request.

Since there was opposition present, it was the consensus of the Commission to place Case 05SN0295 with those cases requiring discussion.

05SR0259:* (Amended) In Matoaca Magisterial District, **MICHAEL SIBLEY AND RITA SIBLEY** requested renewal of Conditional Use (Case 02AN0230) and amendment of zoning district map to allow a business (wood products manufacturing) operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 10.0 acres and is known as 8825 Woodpecker Road. Tax ID 760-644-7168 (Sheet 33).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

Mr. Litton expressed concern that the applicant had not dedicated right of way along the property frontage, consistent with other typical zoning proposals.

No one came forward to speak in favor of, or in opposition to, the request.

In response to Mr. Litton's concerns, Mr. Rudy stated his client was willing to dedicate forty-five (45) feet of right of way along the property frontage, measured from the centerline of Woodpecker Road, consistent with the Thoroughfare Plan and he would take the appropriate measures to provide a condition for the dedication prior to the request being considered by the Board of Supervisors.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SR0259 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Michael Sibley, Rita Sibley or their children (blood, adoption or guardianship) and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a wood products manufacturing business, exclusively. A maximum of three (3) employees other than those persons outlined in Proffered Condition 1 may be engaged in this operation. (P)
3. This use shall not operate before 8:00 A.M. and after 5: 00 P.M., Monday through Friday nor on Saturday or Sunday. (P)

4. There shall be no deliveries to or from the site via tractor-trailer carriers. Any deliveries shall be made between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. There shall be no Saturday or Sunday deliveries. (P)
5. With the exception of accessory parking and an air compressor, all work and operations associated with this business, including storage of materials and equipment, shall be accomplished on the inside of the 50 foot by 100 foot "proposed building" depicted on the site plan prepared by Virginia Surveys dated 07-22-02. An air compressor for this operation shall be housed in a separate attached structure (no more than fifty (50) square feet in area) to be located to the west of the above referenced building. (P)
6. Leyland Cypress trees with an initial height of at least three (3) feet shall be planted and maintained to sufficiently screen the buildings described in Proffered Condition 5 from adjacent property identified as Tax ID 760-644-9151. A landscaping plan shall be submitted to the Planning Department within thirty (30) days of approval of this request. Such plan shall include a phasing plan for the installation of the landscaping. (P)
7. One (1) sign, not to exceed one (1) square foot in area and a height of 4.5 feet, shall be permitted to identify this use. Such sign shall not be illuminated and shall be located west of the driveway and adjacent to the mailbox shown on the plan as outlined in Proffered Condition 5. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 05SN0295, Finer Homes, Inc.

05SN0295: In Dale Magisterial District, **FINER HOMES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 62.8 acres fronting approximately 1,350 feet on the south line of Kingsland Road, also fronting approximately 1,450 feet on the west line of Salem Church Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 776-671-9866; 777-671-1902 and 6199; 778-671-2430; and 778-672-0924 (Sheets 17 and 18).

Mr. Clay presented an overview of the request and staff's recommendation, noting the Addendum which outlined amendments to Proffered Conditions 13 and 16) A) 2., respectively to address the recordation of restrictive covenants. He further noted amendment of Proffered Condition 2 to increase the cash proffer to comply with the recent amendment to the Board of Supervisors' Cash Proffer Policy.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

Mr. Litton opened the discussion for public comment.

Messrs. Weldon Hazelwood and Larry Davis, adjacent property owners, expressed concerns that the proposed development would exacerbate area flooding, noting that heavy, sustained rains resulted in the flooding of Reedy Branch and Kingsland Roads and that no significant road improvements, to include oversized culverts to handle runoff, were planned for the area to remedy the situation or protect area residents from potential hazards.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Scherzer indicated that a detail drainage analysis would be performed at the time of tentative subdivision approval and that the applicant was required to comply with State and local requirements to address engineering issues. He further noted the increased cash proffer would contribute to County road improvements.

In response to questions from the Commission, Mr. McElfish addressed drainage issues and Mr. McCracken addressed transportation improvements.

Mr. Litton referenced a letter from, and cited concerns of, Mr. James Spencer, a resident of Kingsland Road, who opposed the request.

In response to questions from Mr. Bass, Mr. McCracken addressed issues relative to the road improvements needed to remedy the situation in the area and funding required to accommodate/complete those improvements.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0295 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1) Public water and wastewater shall be used. (U)
- 2) The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A) \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - B) The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - C) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
- 3) The maximum density of this development shall not exceed one hundred twenty five (125) lots. (P)

- 4) Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
- 5) Direct access from the property to Kingsland Road and to Salem Church Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. (T)
- 6) Except for one driveway to serve the existing home on GPIN 778-671-2430. There shall be no private driveway access to Salem Church of Kingsland Roads. (T)
- 7) Prior to tentative subdivision approval, a revised centerline for Kingsland Road based on VDOT Urban Minor Arterial Standards (50 MPH) with any modifications approved by the Transportation Department, shall be submitted to and approved by the Transportation Department. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Kingsland Road, measured from the centerline, and thirty-five (35) feet of right-of-way along the west side of Salem Church Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- 8) To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A) Construction of additional pavement along Kingsland Road and along Salem Church Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - B) Widening/improving the south side of Kingsland Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - C) Relocation of the ditch along Salem Church Road to provide an adequate shoulder, as determined by the Transportation Department, for the entire property frontage.
 - D) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- 9) Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)

- 10) All required buffers shall be located within recorded open space. (P)
- 11) Manufactured homes shall not be permitted. (P)
- 12) The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat:
 - A) No manufactured homes, as defined by the Code of Virginia, shall be allowed to become a residence, temporary or permanent.
 - B) No family daycare homes (providing care to more than five (5) children) or group care facilities, as defined by the Chesterfield County Code, shall be permitted in any dwelling unit. (P)
- 13) The minimum gross floor area for each new dwelling unit shall be 1800 square feet. A maximum of thirty (30) homes shall be permitted to have a gross floor area of less than 2,000 square feet. (BI & P)
- 14) All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
- 15) In conjunction with the recordation of the initial subdivision plat, a public pedestrian access easement, of approximately thirty (30) feet in width along Reedy Branch Creek, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location, width and treatment of this easement shall be approved by the Parks and Recreation Department. (P&R)
- 16) The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - A) Proposed Declaration of Protective Covenants:
 1. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners' Association. (P)
 2. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, or, to the extent permitted by law, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.

3. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
4. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - a. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 - b. No fence or hedge shall generally be permitted higher than 42 inches of any Lot.
 - c. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
5. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
6. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
7. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
8. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph 2.
9. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.

10. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
11. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
12. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
13. No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
14. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph 2.
15. Any one or more of the covenants or restrictions imposed by paragraphs 1 through 14 above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
16. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
17. Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
18. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
19. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys'

fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.

20. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
21. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Bendahl Valley Homeowner's Association" or a similar name (the "Association").
22. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
23. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
24. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
25. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment")

applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.

26. Any Annual Assessment of Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.
27. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

AYES: Messrs. Litton, Wilson, Gulley and Gecker.
NAY: Mr. Bass.

Mr. Turner recalled Case 05SN0234, Thomlyn, LLC.

05SN0234:* In Matoaca Magisterial District, **THOMLYN, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

Ms. Peterson presented an overview of the request and staff's recommendation, noting that on September 30, 2005, the applicant withdrew Proffered Conditions 2.b. and 4 and revised Proffered Condition 2 to comply with the recent amendment to the Board of Supervisors' Cash Proffer Policy, as reflected in the "Addendum."

Mr. Harley Joseph, the applicant's representative, accepted staff's recommendation, including the Addendum and asked the Commission to forward a favorable recommendation to the Board of Supervisors.

Mr. Litton opened the discussion for public comment.

Mr. Jerry Jernigan, a Matoaca resident, voice opposition to the request; referenced petitions submitted at a previous Commission meeting in opposition to the request; cited concerns that the proposed zoning and land use did not conform to Southern and Western Area Plan with respect to lot size and density; that the application represented overdevelopment of the property; and that neither Lakeview nor Woodpecker Roads were in sufficient condition to accommodate the increased traffic that would be generated by the development.

Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, questioned if the issue of open space requirements had been resolved and expressed concerns relative to the cumulative effect and appropriate timing of zoning approvals in this area.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Joseph stated he felt the outstanding issues had been addressed/resolved, noting the withdrawn/revised proffered conditions.

In response to questions from Mr. Bass, Mr. McCracken addressed improvements to area roads needed to mitigate the impact of, and accommodate, the increased traffic that would be generated by the proposed development, specifically along Lakeview and Woodpecker Roads.

Mr. Bass referenced petitions of opposition submitted at a previous Commission meeting; stated that while he felt the zoning was appropriate and consistent with the area Plan, he had concerns relative to the long-term impact of the development on area roads and the lack of funding for road improvements. He stated, therefore, based on concerns for the health, safety and welfare of the public, he could not support the request.

Mr. Bass made a motion to recommend denial of Case 05SN0234. Mr. Gulley seconded the motion for discussion.

Mr. Wilson stated he felt the application complied with the area Plan and addressed the development's impact on capital facilities, therefore, he could not support the pending motion but could support an alternative motion.

Mr. Gulley stated he felt his prior concerns regarding the provision of open space had been addressed.

Messrs. Gecker and Litton concurred with Messrs. Wilson and Gulley, noting the request was in compliance with the area Plan and that capital facilities needs had been adequately addressed.

The vote on Mr. Bass' motion for denial was as follows:

AYES: Mr. Bass.

NAYS: Messrs. Litton, Wilson, Gulley and Gecker.

Mr. Wilson made an alternate motion, seconded by Mr. Gecker, to recommend approval of Case 05SN0234 and accept the following proffered conditions:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax IDs 791-621-0110; 791-620-1025 (the "Property") under consideration will be developed according to the following conditions, if and only if, the rezoning request for R-12 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2006; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner determined by the County. (B&M)
3. A maximum of eighty-three (83) dwelling units shall be permitted. (P)
4. Age-Restricted Units. Any dwelling units designated for senior housing as outlined in Proffered Condition 2.b. shall be noted on the subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P & BM)

5. Transportation.

- a. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the west side of Woodpecker Road, measured from the centerline of that part of Woodpecker Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. Direct access from the property to Woodpecker Road shall be limited to one (1) public road. This public road shall be a residential collector road. The exact location of this public road shall be approved by the Transportation Department.
- c. In conjunction with development of the initial section, the developer shall be responsible for the following improvements:
 - i. Construction of additional pavement along Woodpecker Road at the public road intersection to provide left and right turn lanes based on Transportation Department standards; and,
 - ii. Widening/improving the west side of Woodpecker Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage; and,
 - iii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)

6. Dwelling Size. The minimum gross floor area for each dwelling unit shall be 2,000 square feet. (BI & P)

7. Restrictive Covenants. The following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:

- (a) As a minimum, the landscaping requirement on each lot shall be \$800.00
- (b) All driveways shall be paved (P)

8. The required fifty (50) foot buffer along Woodpecker Road shall be recorded as open space. (P)

9. The Resource Protection Area (RPA) along Oldtown Creek shall be recorded as open space. (P)

10. The required thirty (30) foot buffer along the proposed collector road referenced in proffered condition 5.b. shall be recorded as open space. (P)
11. A minimum of twenty (20) feet in width of open space shall be provided along the eastern and western property boundaries adjacent to Tax ID's 791-620-7604; 791-619-6361; 791-619-5904; 790-621-5162; and 791-621-0461. (P)
12. At a minimum, the open spaces noted in proffered conditions 8 through 11 shall include fourteen (14) acres, total. (P)

AYES: Messrs. Litton, Wilson, Gulley and Gecker.

NAY: Mr. Bass.

04SN0303:** (Amended) In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC** requested Conditional Use and amendment of zoning district map to permit a public waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-88) District fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting revisions that had transpired since the September 20, 2005, meeting, which she outlined as referenced in the "Request Analysis" and Addendum.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation; presented an overview of the proposal, highlighting revisions submitted subsequent to the September 20th Commission meeting; reiterated the stringent guidelines and regulations to which the facility would adhere as well as the benefits of the system; and asked the Commission to forward a recommendation for approval to the Board of Supervisors.

Mr. Brian Houston of Timmons, representing the applicants, addressed the technical, environmental and land use aspects of the proposed facility.

Mr. Litton opened the discussion for public comment.

Ms. Andrea Epps, a County resident; Mr. Charles Scott, a resident of The Highlands; and Mr. David Glick, a resident of Beach Road, voiced opposition to the proposal, expressing concerns that approval would set a precedent for future similar facilities throughout the County; would accommodate development not in compliance with the Plan; would place taxpayers at risk should there be a failure; would create noise and odor problems; would lead to development on smaller lots; was providing a mechanism to circumvent growth management in the County; and that approved County guidelines and regulations should be in place prior to approval of the facility to allow appropriate monitoring and quality control of the discharge.

Mr. Rich Carroll, a resident of Cattail Road and Mr. Lee Stell, an area resident, voiced support for the request stating the proposed wastewater treatment facility would have less impact on the environment than conventional septic systems.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Cogbill reiterated his previous comments, noting the proposal provided an alternative to the use of septic systems; was an innovative concept; and that the facility would not be a detriment to the community or the County.

Mr. Bass addressed concerns expressed at the September 20th meeting relative to area road construction and/or improvements, noting the plans were in place for the improvements and only needed to be implemented. He stated this request dealt with only the appropriateness of a wastewater treatment facility and he felt the system would be superior to individual septic systems; the total number of lots permitted was not increasing; that the State Corporation Commission had stringent requirements to regulate the facility; and that, even if the County approved the facility, the developer must purchase "nutrient allocations" from another locality.

Mr. Bass made a motion, seconded by Mr. Wilson, to recommend approval of Case 04SN0303 and to accept the following proffered conditions, including the revised proffered conditions outlined in Addendum II:

PROFFERED CONDITIONS

The Applicants (the "Applicants") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as part of Chesterfield County Tax Identification Number 759-636-6377 (the "Property") under consideration will be developed according to the following conditions if, and only if, the request for Conditional Use for a waste treatment facility is granted. In the event the request is denied or approved with conditions not agreed to by the Applicants, the proffers and conditions shall immediately be null and void and of no further force or effect. If the Conditional Use is granted, these proffers and conditions will supplement and amend any and all proffers and conditions now existing on the Property.

1. Any areas used for holding water, wastewater or sewage sludge that are not underground or fully enclosed within a structure shall be fenced to prevent unauthorized entrance. The exact location and design of the fencing shall be approved by the Planning Department at the time of plan review. (P)
2. The developer of any residential lots to be served by the waste treatment facility shall prepare and record restrictive covenants for such lots, which shall provide, among other things, notice to the owners of such lots that the lots shall be served by the waste treatment facility and not by the Chesterfield County wastewater treatment system, and that Chesterfield County is not responsible for the construction, operation, management, maintenance, repair or replacement of the waste treatment facility. Nothing contained herein shall be construed to make Chesterfield County a beneficiary of or party to any other restrictive covenants. (P)

3. Exclusive of any buffers and access drives, no more than eight (8) acres shall be used for the location of above-ground structures or improvements for the operation of the waste treatment facility. (P)
4. Treatment capacity shall be reserved in the waste treatment facility sufficient to serve a 775-student Chesterfield County public elementary school, to be constructed on land previously reserved and dedicated to Chesterfield County as part of Case 88SN0148, known as GPIN 761-645-2155, if the County shall elect to serve the school through the waste treatment facility. (S)
5. The Owner/Operator of the waste treatment facility (the "Owner/Operator") shall not be a homeowners association or similar entity and the Owner/Operator shall not use a homeowners association or similar entity as a vehicle for the collection of user fees to support the waste treatment facility. The Owner/Operator shall be regulated by the State Corporation Commission, or its successor, and shall be a company, or subsidiary thereof, that provides water and/or wastewater services in Virginia. The Owner/Operator shall not take any action to remove itself from the regulation of the State Corporation Commission. The operation, management, maintenance, repair or replacement of the waste treatment facility shall be the sole responsibility of the Owner/Operator. (P)
6. Any above-ground structures and improvements for operation of the waste treatment facility shall be located at least 900 feet from the ultimate rights of way of Nash and Cattail Roads. Access to above-ground structures and improvements of the waste treatment facility shall be approved by the Planning and Transportation Departments at the time of site plan review. (P & T)
7. Prior to the recordation of any lot to be served by the waste treatment facility, or prior to the issuance of any building permit on any lot previously recorded which will be served by the waste treatment facility or prior to any site plan approval for any use to be served by the waste treatment facility, whichever occurs first, the Owner/Operator shall post a letter of credit in favor of Chesterfield County, in a form acceptable to the County Attorney, to provide surety for the faithful operation of the waste treatment facility in accord with all applicable laws, ordinances and regulations. The value of the initial letter of credit shall be no less than the projected amount of at least two (2) years worth of operating costs of the waste treatment facility, as determined by Chesterfield County based on estimates provided by the Owner/Operator and as adjusted to account for inflation. Every three (3) years, the Owner/Operator shall furnish Chesterfield County with information demonstrating actual operating costs for the last three (3) years and an updated estimate of projected operating costs for the next three (3) years and the amount of the letter of credit shall be adjusted according to this information as determined by Chesterfield County. Should such letter of credit be called to pay any operation costs related to the waste treatment facility, the Owner/Operator shall restore the full value of the letter of credit within thirty (30) days. (P)
8. Prior to final site plan approval by Chesterfield County, the Owner/Operator shall provide Chesterfield County with a comprehensive list of all state and federal permit requirements

for the construction and operation of the waste treatment facility. Prior to the release of any land disturbance permit or building permit, the Owner/Operator shall provide evidence to Chesterfield County that all permits required prior to construction have been obtained. Prior to issuance of a certificate of occupancy, the Owner/Operator shall provide evidence to Chesterfield County that all permits required prior to operation have been obtained. Once the waste treatment facility is in operation, the Owner/Operator shall provide Chesterfield County with evidence that all required permits have been obtained. (WQ)

9. The Owner/Operator shall have a qualified employee present at the waste treatment facility daily for a minimum of eight (8) hours. The employee shall be certified, as applicable, in accordance with the regulations of the Virginia Department of Environmental Quality ("DEQ") and any other regulatory authority with jurisdiction over the waste treatment facility. (WQ)
10. No areas for holding water, wastewater or sewage sludge, roads, drives or buildings associated with the waste treatment facility, to include construction of such facilities, shall be located in Resource Protection Areas ("RPAs"). Transmission pipes and/or collection lines may be located in RPAs. (EE)
11. A 300 foot setback shall be provided between above-ground structures or above-ground or open air improvements for the operation of the waste treatment facility and any property zoned for agricultural or residential uses, other than the Property on which the waste treatment facility is located. If required by DEQ, additional setbacks shall be provided. (P)
12. All above-ground structures for the operation of the waste treatment facility shall have an architectural design compatible with surrounding single family residential development. Any such structure not incorporating this residential design shall be screened from view. The exact architectural design and/or screening shall be approved by the Planning Department at the time of plan review. (P)
13. In the event any unauthorized, noncompliant, unusual or extraordinary discharge from the waste treatment facility, including but not limited to a bypass or upset as defined by DEQ, should occur where such discharge enters or could be expected to enter Chesterfield County waters, the Owner/Operator shall promptly notify the Office of Water Quality of the discharge. Such notification shall be made within twenty-four (24) hours of the discharge to Chesterfield County's Illicit Discharge Hotline. In addition, the Owner/Operator shall submit a written report of the discharge to the Office of Water Quality within five (5) days of such discharge. This written notification shall include any and all information required by DEQ for reporting unauthorized, noncompliant, unusual or extraordinary discharges. (WQ)
14. The waste treatment facility shall be allowed, but not required, to serve only the Property, any lot, parcel or subdivision abutting or immediately across the street from the Property, and GPIN 761-645-2155. The waste treatment facility shall not serve any lot or parcel less than 43,560 square feet. (P)

(NOTE: All conditions and proffered conditions of Case 03SN0332 remain in effect for any development on the request Property.)

Mr. Gecker questioned guarantees for the operator and/or the operation of the system; stated the case was the most troubling he had seen during his tenure on the Commission; that he felt approval of the facility was a mechanism to circumvent growth management in the County; that approved County guidelines and regulations should be in place prior to approval of the facility to allow appropriate monitoring and quality control of the discharge; that there did not appear to be sufficient flow in Second Branch Creek to handle the outfall; that he felt the proposal was a bad idea and should not be the model for developing County standards/guidelines for such facilities; and that, for these reasons, he would not support a recommendation for approval.

Mr. Gulley stated he was very reluctant to support the request based not on what he did know but more on what he did not know; that the County would not know the true impact of a decision to allow the facility for at least eight (8) to ten (10) years; that there were currently no County standards or guidelines to regulate such facilities; that it was with the Board's purview, not the Commission's, to establish guidelines/standards for such facilities; that he did not feel it was within the Commission's purview to move the case forward without standards; that there were no studies or information available to handle an illicit discharge into Second Branch or Lake Margaret; that there appeared to be more unanswered than answered questions; and he was not comfortable with supporting the request.

Mr. Wilson stated he was conflicted on this request, noting he had been persuaded that environmental and health issues would be lessened with the use of a wastewater treatment facility versus the use of individual septic systems; however, he was concerned that there were no approved County standards and/or guidelines by which the facility could be regulated. He stated in the absence of guidance from the Board of Supervisors with respect to County standards/guidelines, he felt the request should be forwarded to the Board for consideration and that future similar requests should be reviewed on a case-by-case basis.

Mr. Litton stated, although he supported the motion to recommend approval of the request, he did not feel the case was ready for the Board of Supervisors' consideration and that County standards/guidelines were needed.

The vote on Mr. Bass' motion to recommend approval of Case 04SN0303 was as follows:

AYES: Messrs. Litton, Wilson and Bass.

NAYS: Messrs. Gulley and Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 9:47 p. m. to November 15, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date